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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,786	03/04/2004	Hirofumi Oda	0033-0918P	5328

2292 7590 03/27/2008  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
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2622

NOTIFICATION DATE	DELIVERY MODE
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03/27/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 22 February 2008 have been fully considered but they are not persuasive. In the response filed, Applicant argues that Shimamura does not disclose a display device which displays a picture "taken from the perspective of the camera". However, the examiner disagrees. Shimamura discloses an auxiliary display device which displays an image which "matches an area in which the photograph is being taken". Since the photograph areas match, the displayed image can be said to equivalent to a picture taken from the perspective of the camera.
2. It is further noted that claims 1 and 15 are apparatus claims and recite intended uses of the display. MPEP 2114 states that recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Since the intended use limitations do not result in structural differences between the claims and Shimamura, Shimamura reads on the limitations as claimed.
3. Therefore, Applicant's arguments are not considered persuasive and the response does not place the application in condition for allowance.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY J. HENN whose telephone number is (571)272-7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/16/2008

/Lin Ye/

Supervisory Patent Examiner, Art Unit 2622